



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

WEB COPY

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.32245 of 2019

and

WMP.Nos.32533, 32536, 32538

Bapuji Memorial Higher Secondary School,
Manavalakurishy P.O.,
Kanyakumari District, rep by its Secretary,
Nazerath Charles

...

Petitioner

Vs.

1.The Government of Tamil Nadu,
rep by its Secretary,
School Education Department,
Fort.St. George, Chennai 600 009.

2.The director of School Education,
College Road,
Chennai 600 006.

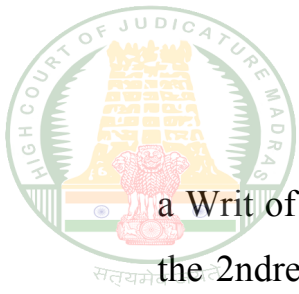
3.The Chief Educational Officer,
Nagercoil, Kanyakumari,

4.The District Educational Officer,
Thucklay and Post,
Kanyakumari District.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue



a Writ of Certiorarified Mandamus calling for the records relating to the order of the 2nd respondent in his Mu.Mu.No.75902/V1/E3/2018 dated 12.02.2019 quash the same and consequently direct the 3rd respondent to refix the staff fixation in so far as one vocational instructor post in Electrical and Domestic Appliance Repairs and Maintenance is concerned and further direct the respondents to approve the appointment of K.Rajakumar as vocational instructor from 8.6.2017 with salary and other benefits.

For Petitioner : M/s.P.Mahalakshmi

For Respondents : Mrs.P.Rajarajeswari, GA

ORDER

Heard M/s.P.Mahalakshmi, learned counsel for the petitioner, Mrs.P.Rajarajeswari, learned Government Advocate for the respondents and perused the materials available on record.

2. The petition has been filed to issue a writ of mandamus to the respondents to consider the appeal preferred by the petitioner dated 10.8.2018 and direct the respondents to refix the staff fixation insofar as the existence of one Vocational Instructor post in Electrical and Domestic Appliances Repairs and Maintenance is concerned and direct the respondents to approve the appointment of K.Rajkumar as vocational instructor from 8.6.2017 and disburse the salary and other benefits.



WEB COP 3. The learned counsel for the petitioner submitted that one vocational group was approved for the petitioner's school on 9.6.981, and the subjects approved under the said group were Electrical and Domestic Appliances Repairs and Maintenance. On 18.2.1991 one vocational instructor by the name of Haridhas was appointed ; he attained the age of superannuation on 31.5.2017. Thereafter, one Rajkumar was appointed on 28.10.2017 .

4. When the appointment of K.Rajkumar was submitted for the 3rd respondent that his approval was rejected on 9.3.2018. The appeal preferred by the petitioner challenging the above order has not been considered, and hence the petitioner filed a writ petition in [WP.No.22021/2018](#), in which an order has been passed to consider the appeal of the petitioner and dispose it; thereafter an impugned order has been passed on 11.12.2019 by citing the following three reasons:

- i) As per GO.991 School Education Department dated 16.07.1990, no fresh appointment or part-time vocational teacher can be made without getting prior permission from the Directorate of School Education, and to convert any single-time teacher into a double part-time teacher or vice versa;



WEB COPY

ii) No new vocational course should be started from the academic year 2007-2008, and no vocational instructor should be appointed by either the 2nd respondent management or the parent-teacher association.

iii) The petitioner's school has to obtain prior permission from the chief educational officer before making any appointment.

5. The learned counsel for the petitioner submitted that the ban for appointment imposed under GO.991 School Education Department dated 16.07.1990 has been subsequently removed by issuing another Government order dated 1.12.1993 in GO.1177. As per GO.991 School Education Department dated 16.07.1990 and it is stated that for the academic year 2007-2008, no new vocational courses should be started and no new vocational instructor should be appointed by others. But the petitioners school the permission to start the vocational course has been given as early as on 9.6.1981 and not any time later than the issuance of GO.991 School Education Department dated 16.07.1990.

6. The 2nd reason stated in the impugned order is that no new vocational courses should be started from the academic year 2007-2008 and no new vocational instructor should be appointed either by school management or by parent teachers association. It is reiterated that the course was sanctioned as early as in the year 1981 and not less than 2007-2008 . But in the petitioner's case, the



WEB COPY

course has been sanctioned as early as in the year 1981, and hence GO.991 School Education Department dated 16.07.1990 is not applicable to the case of the petitioner.

7. The 3rd condition is to get permission from the respondent. The learned counsel for the petitioner submitted that the petitioner's institution is a minority institution and there is no necessity for the minority institution to get prior approval from the government before making any appointment.

8. The above position is well settled, and there need not be any confusion. The reasons cited by the respondent for rejecting the approval for the appointment of the petitioner appear to be either flimsy or without knowledge of the update.

9. In view of the above discussion, the petitioner's case will not fall under the reasons cited by the respondents in the impugned order.

In the result the writ petition is **disposed** and the respondents are directed to consider the representation of the petitioner afresh in the light of the above discussion and grant approval if otherwise in order, within a period of four weeks from the date of receipt of a copy of this order, No costs. Consequently, connected miscellaneous petitions are also closed.



28.03.2025

WEB COPY Index : Yes

Internet : Yes/No

Speaking/Non- Speaking

Neutral: Yes/No

jrs



WEB COPY

- To
1. The Secretary,
Government of Tamil Nadu,
School Education Department,
Fort.St. George, Chennai 600 009.
 2. The director of School Education,
College Road,
Chennai 600 006.
 3. The Chief Educational Officer,
Nagercoil, Kanyakumari,
 4. The District Educational Officer,
Thucklay and Post,
Kanyakumari District.



WEB COPY



R.N.MANJULA, J.
jrs

W.P No.32245 of 2019
and
WMP.Nos.32533, 32536, 32538

28.03.2025